

***EXHIBIT 5***

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TEXAS GUARANTEED STUDENT	)	
LOAN CORPORATION,	)	CIVIL ACTION NO.
Plaintiff,	)	
V.	)	06-CV-11495(WHP) (THK)
	)	(ECF Case)
MERCER STREET BOOKS, INC.,	)	
Defendant.	)	
	)	December 6, 2007

**AFFIDAVIT OF ATTORNEYS' FEES AND COSTS**

I, Keith N. Costa, being duly sworn, hereby depose and say:

1. I am over the age of eighteen years, believe in the obligations of an oath or affirmation, and make this statement upon my personal knowledge.
2. I am local counsel for the Plaintiff in the above-titled action and am familiar with the attorneys' fees and costs incurred in prosecuting this litigation.
3. Attached hereto as Exhibit 1 is an updated itemization of the attorneys' fees and costs Plaintiff has incurred from my firm in this litigation.
4. Accordingly, the attorneys' fees and costs Plaintiff has incurred from my firm in this litigation to date are as follows:

Attorneys' Fees	\$19,876.50
Costs	<u>\$850.97</u>
<b>TOTAL</b>	<b>\$20,727.47</b>

The foregoing statements are true and correct to the best of my knowledge,  
information, and belief.

/s/ Keith N. Costa  
Keith N. Costa

STATE OF CONNECTICUT )  
COUNTY OF FAIRFIELD )

ss: Bridgeport

Subscribed and sworn to before me this 6<sup>th</sup> day of December, 2007.

/s/ Carol A. McConnell  
Carol A. McConnell  
Notary Public

My commission expires: August 31, 2008

Bridgeport/71256.1/JXG/662780v1

# ***EXHIBIT 1***

**Matter Summary - [071256.0001] - Mercer Street B...**

Summary  
List  
Client/Client Address  
General Address  
Billing  
Matter Balances  
Budget  
Statistics

Matter Number: 071256.0001  
Matter Name: 071256.0001  
Client Number: 071256  
Client Name: Texas Guaranteed Student Loan

12/4/2007 10:09:52 AM  
Previous Next  
List Related Matters

Select Detail:  
Time & Fee Summary Go View As Master Matter  
Refresh

	Accounts Receivable	Unbilled Fees/Costs
0 to 30	278.50	5,705.50
31 to 60	515.50	0.00
61 to 90	0.00	0.00
91+	0.00	0.00
Total	794.00	5,705.50

	Billed To Date	Unbilled
Fees	15,876.50	5,705.50
Costs	850.97	0.00
Other	0.00	

Last	Date	Amount
Bill	11/13/2007	278.50
Payment	09/26/2007	39.50
Time Entry	11/30/2007	

OP Open  
Date Opened: 09/12/2006  
Date Closed:

Unallocated Payments: 0.00  
Interim Bills: 0.00  
Non-Billable: 0.00  
Net Unbilled Fees: 5,705.50  
Total Investment: 6,499.50